

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa
aka Bike Mom
Honolulu, HI 96825
808-395-3233

HEARING: 2:40 p.m. Thursday, February 16, 2012

SUBJECT: Penal Code - Vulnerable Users (**OPPOSED**)

Aloha Chair and Committee Members,

Thank you for allowing me to provide testimony on HB 1666, which would provide for different levels of punishment in negligent homicide or injury involving the case of vehicle crashes when a vulnerable highway user is involved. Most of the time when I am on the roadway, I am a vulnerable user. **I oppose this bill because of the inequity it creates.**

The best way to illustrate why I oppose this bill is to give an example of what could happen if it passes.

Let's say two car drivers are speeding down a roadway. One driver crashes and hits a pedestrian, killing the pedestrian. The other driver crashes and hits your car, killing your child or spouse. Under this bill, the driver of the car that hit your vehicle would receive *less punishment* than the driver that hit the pedestrian. How can one justify a different set of punishments when the same behavior results in the same outcome - racing and death? This bill is fundamentally wrong.

What we need instead is a complete attitude shift. People need to remember that driving is a privilege and with that privilege come many responsibilities. Instead of creating a separate class of roadway users that results in different levels of punishment, please consider the following alternatives to improve the environment for bicyclists and pedestrians.

- Review curriculum of drivers' ed courses to ensure adequate coverage of bicyclists and pedestrian concerns. Encourage student drivers to practice good driving behavior by moving over to the next lane when they pass bicyclists, pedestrians and others;
- Increase the number of bicyclist and pedestrian questions on the drivers' license exam;

- Be a model with good driving behavior;
- Support drivers' education programs for private businesses, especially those that provide public transport;
- Support adult bicycle education. Check with Hawaii Bicycling League, PATH Hawaii, PATH Kauai and the Maui Bicycle Alliance regarding League Cycling Instructors in your area;
- Inform school communities about bicycle education classes for students on Oahu (Hawaii Bicycling League), the Big Island (PATH Hawaii) and Kauai (PATH Kauai);
- Have a contest among the state departments to see which department can have the highest percentage of employees ride their bikes to work on Bike to Work Day, May 17;
- Implement a program whereby all state transportation planners and engineers take a bike ride around downtown and walk through several types of intersections;
- Participate in Farrington High School's annual Green Machines Event;
- Maintain sensor loops so traffic signals are easily triggered by bicyclists, moped drivers and motorcyclists;
- Join the Hawaii Safe Routes to School Day Challenge (see www.PathHawaii.org/hui);
- Promote Safe Routes to School (SRTS) at neighborhood board and other community meetings;
- Publish results of SRTS grants that have been given to state agencies such as the Department of Education;
- Pass HB 2626 which would create separate county funds to improve bike and walking routes for kids to go to school;
- Promote a bike education event at the October Children and Youth Day and similar events;
- Include bike and pedestrian safety tips or events on monthly reports to neighborhood boards (sample tips follow);

- Start a share-a-bike program for state workers so they can ride bikes to meetings in town or do their errands at lunch;
- Ask construction supervisors to remind contractors to place temporary construction signs in a manner that allows the most room for bicyclists to pass safely;
- Include a calendar for bike events on the state DOT's website;
- Update the DOT's website to include the shoulder cleaning and sweeping schedule for all state roadways;
- Support state employees who ride bike to work by providing them with the monthly commuter benefit (HB 2254); and
- Provide bike racks at all state parks and buildings.

Tips or quotes that can be included in newsletters include:

- "Cyclists fare best when they act and are treated as drivers of vehicles," John Forester, author of "Effective Cycling" and developer of the Effective Cycling education program;
- Bikes may use full lane;
- Helmets are required by children under the age of 16;
- Same roads, same rules, same rights;
- The right side is the *right* side;
- Remember the ABC hand (or quick) check – air, brakes, chain, handlebars (or quick releases) and overall check – before beginning a ride;
- May is Bike Month;
- Bikes may use full lane;
- May 15, 2012, Bike to School Day;
- May 17, 2012, Bike to Work Day;
- May 19, 2012, Ride of Silence;

- July 4, 2012, keiki bike decorating contest and parade at Maunalua Bay;
- 2 wheels 4 wheels 1 road 4 everyone;
- If you can't see my rear view mirror, I can't see you;
- Move with Aloha (University of Hawaii);
- Be visible when biking or jogging, wear reflective material; and
- Pedaling toward a bicycle-safe Hawaii.